

Notice of Allowability	Application No.	Applicant(s)	
	10/713,816	JOHS, BLAINE D.	
	Examiner	Art Unit	
	Roy M. Punnoose	2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 02/12/2007.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 02/12/2007 is acknowledged and has been entered into the records. The applicant has amended claims 1-4 in response to the previous office action. The Examiner has accepted applicant's amendments. Claims 1-24 are currently pending in the application.

Allowable Subject Matter

2. Claims 1-24 are allowable.

3. Claims 1-3 are allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a method of fabricating and characterizing the outermost material of an article which is manufactured by the deposition or removal of material, to or from, a process substrate, comprising the step of determining the optical model parameters which characterize the outermost layer(s) by minimizing the differences between the ellipsometric data calculated at the selected times by the analytical equations in step b) and the ellipsometric data measured at the selected times using a minimization algorithm, in combination with the rest of the limitations of the respective claims.

4. Claims 5-7, 9-11, 13-15, 17-19 and 21-23 are allowable because they are dependent on independent claims 1, 2 or 3, or an intermediate claim, and they include all the allowable limitations of their respective parent claims.

5. Claim 4 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a method of fabricating and characterizing the outermost material of an article which is manufactured by the deposition or removal of material, to or from, a process

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substrate, comprising the step of obtaining ellipsometric data at a time corresponding to the prediction time of step b) during material deposition or removal, to or from, a process substrate, and utilizing said ellipsometric data obtained in step c) in a minimization algorithm to provide values for the variable parameters, in combination with the rest of the limitations of claim 4.

6. Claims 8, 12, 16, 20 and 24 are allowable because they are dependent on independent claim 4, and they include all the allowable limitations of the parent claim.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact/Status Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**.

The examiner can normally be reached on 9:00 AM - 5:30 PM.

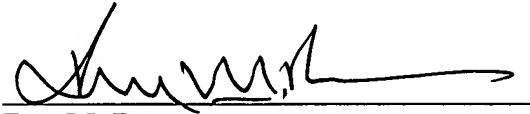
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tarifur Chowdhury** can be reached on **571-272-2287**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May13, 2007

A handwritten signature in black ink, appearing to read 'Roy M. Punnoose', written over a horizontal line.

Roy M. Punnoose

Patent Examiner

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